

REMARKS

Applicant acknowledges receipt of Office correspondence numbered paper nos. 8 and 9, with the Office's careful consideration of the claimed invention. Claims 138-198 are pending in this application. The Office has finally rejected claims 138-198.

Applicant further wishes to thank Examiners Pierce and Cole, for the in-person interview with the Applicant/Inventor and Applicant's attorney on April 9, and the consideration of the Examiners in their careful attention to the Inventor's presentation of the prior art and the invention and materials relating thereto. In accordance with the interview discussion, the specification and claims 138, 169, and 170 have been amended.

Information Disclosure Statement

Applicant wishes the Office to acknowledge the Examiner review of the Information Disclosure Statement in the Office Action Summary, Attachments, Box 3.

Claim Rejections – 35 USC §112

The office rejected claims 138-198 unpatentable under the first and second paragraphs of 35 USC §112. The applicant has amended the specification and claims 138, 169, and 170 to include the language agreed upon with the examiners at the April 9th interview. The amendments are supported by Figure 3b. The applicant respectfully submits that the Office's rejections under 35 USC §112 are now moot and requests that they be withdrawn.

Claim Rejections – 35 USC § 103

The Office has quoted the statute from 35 USC 103(a), which is referenced herein. The Office has rejected claim 138-198 as being unpatentable over Fels et al. (US Patent No. 5,514,457), Howland (U.S. Patent No. 5,565,264), Optiz (European Patent No. 962,562), Toon (US Patent No. 5,248,548), and Prickett (U.S. Patent No 5,853,885) as set forth in the previous

office action. Applicant has carefully considered the Office rejections and respectfully submits that the amended claims, as supported by the arguments presented at the interview and repeated herein, are distinguishable from the cited references.

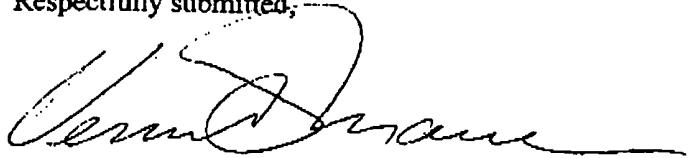
The applicant has amended the specification and claims 138, 169, and 170 to include language agreed upon with the Examiners at the April 9th interview. The amendments are supported by Figure 3b.

According to the MPEP §2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art."

As was concurred with by Examiners Pierce and Cole in the Interview Summary, Paper No. 9, nowhere in the cited references is it taught, suggested or could otherwise be said to motivate one to provide an article of this Applicant's invention having a yarn of two different fiber types with both fibers oriented substantially normal to the cross section of the yarn. The applicant further submits that, at least for the reasons noted above, the claims as amended are not unpatentable under 35 USC §103, and respectfully requests that the examiner withdraw the rejection.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



Vernon C. Maine, Reg. No. 37,389
Scott J. Asmus, Reg. No. 42,269
Neil F. Maloney, Reg. No. 42,833
Andrew P. Cernota, Reg. No. 52,711
Attorneys/Agents for Applicant

Cus. No. 24222
Maine & Asmus
PO Box 3445
Nashua, NH 03061-3445
Tel. No. (603) 886-6100, Fax. No. (603) 886-4796
Info@maineandasmus.com

RECEIVED - 2003 APR 22 PM 12:14
U.S. PATENT AND TRADEMARK OFFICE

APR 22 2003

© 2003 USPTO